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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,714	06/04/2001	Morenike Awokola	FA1002 US NA	4978

23906 7590 05/21/2004

E I DU PONT DE NEMOURS AND COMPANY  
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BARLEY MILL PLAZA 25/1128  
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WILMINGTON, DE 19805

EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/873,714

Applicant(s)

AWOKOLA ET AL.

Examiner

Elena Tsoy

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6, 8-10, 13.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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*Advisory Action*

1. The Request for Reconsideration filed on May 3, 2004 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance for the reasons of record as set forth in the Final Office Action mailed on March 22, 2004.

*Response to Arguments*

2. Applicants' arguments filed March 22, 2004 have been fully considered but they are not persuasive.

(A) Applicants argue that a combination of Maag, Takeda and Brehm is not proper because: (i) they expressly teach away from each other by teaching different thickness of applied coating compositions; (ii) they do not suggest the desirability of the combination; (ii) Takeda and Brehm are non-analogous art because neither Takeda nor Brehm is in the field of applicant's endeavor or is reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention.

The Examiner respectfully disagrees with this argument.

A secondary reference of Takeda was relied upon to show that the addition of phosphoric acid esters to a painting composition comprising epoxy-amino resin accelerates its curing (See column 3, lines 39-43, 56-59). Therefore, no matter at what thickness a coating is applied, its curing would be accelerated by addition to the coating of phosphoric acid esters.

Thus, in contrast to Applicants' argument, Takeda' teaching suggests the desirability of the addition of phosphoric acid esters to a coating composition of Maag comprising epoxy-amino

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resin to accelerate its curing; and, therefore, is reasonably pertinent to the particular problem with which the applicant was concerned.

A secondary reference of Brehm was relied upon to show that reactive thinners, such as isobornyl methacrylate (See column 5, line 59) may be used in combination with acrylic prepolymers (See column 4, lines 5-13) in a radiation curable coating composition (See column 7, lines 14-25) for coating automobile parts (See column 6, lines 33-35, 42) to provide good flow properties of the coating composition and thereby good processability (See column 5, lines 50-53). Therefore, no matter at what thickness a coating is applied, the use of isobornyl methacrylate thinner provide good flow properties of the coating composition and thereby good processability. Moreover, Maag teaches that cycloaliphatic methacrylates having molecular weight of more than 200 (See column 3, line 5) can be used together with a free radical-curing binder (See column 2, lines 8-12). Thus, it is desirable to use isobornyl methacrylate (a cycloaliphatic methacrylate having molecular weight of **222**) as a reactive thinner in Maag to achieve good processability of the coating composition; and, therefore, is reasonably pertinent to the particular problem with which the applicant was concerned.

(B) Applicants argue that a combination of Maag, Richard and Brehm is not proper because Maag and Richard are in unrelated fields. One of ordinary skill in the art at would not logically look to coatings of vinyl floors of Richard to develop an improved automotive repair coating process for coating metallic automotive bodies and parts of Applicants' claimed invention.

First of all, Richard is combined with Maag not with Applicants' claimed invention.

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Secondly, Maag teaches both metallic and plastic substrates (See column 5, lines 24-25).

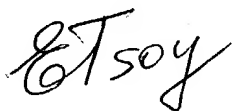
Thirdly, no matter to what substrate a coating is applied, its curing would be accelerated by addition to the coating of phosphoric acid esters.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (571) 272-1429. The examiner can normally be reached on Mo-Thur. 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elena Tsoy  
Primary Examiner  
Art Unit 1762

May 18, 2004